

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 10, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone 04072

PROPOSAL: To amend 27.63.025 Appeal of Planning Commission Action in order to allow City Council members to appeal the Planning Commission decisions on special permits and to amend 27.80.025 Planned Unit Development in order to update the fee.

CONCLUSION: Allows individual Council members the authority to appeal the action of the Planning Commission on special permits. Establishes a single fee for a Planned Unit Development applications.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS:

Another procedural technique currently in use is giving the City-County Planning Commission broader approval authority for selected types of administrative actions. In some cases, the Commission can give final approval to a development proposal, thus by-passing the City Council and County Board. This saves the developer time in the review process. Appeal procedures are also part of this process should additional review by the Council or Board be desired by the applicant or others. (F-53)

ANALYSIS:

1. This is a request to amend the appeal procedure of special permits, to allow individual City Council members to appeal a decision of the Planning Commission. Change of Zone #04045 would allow all special permits to have final action at Planning Commission. The City Council requested an amendment to the appeals procedure to allow individual city council members the authority to appeal a decision of the Planning Commission. Change of Zone #04045 was placed on the City Council pending list so this amendment could be considered at the same time.
2. This is also a request to amend the application fee for Planned Unit Developments. Presently the fee structure is based on a preliminary and final PUD submission, however, the zoning text was amended to eliminate the submission of a preliminary PUD. The proposed amendment provides one single fee. The proposed \$500 fee is the same as the fee for a change of zone in excess of one acre plus \$25 per dwelling unit up to a maximum unit fee of \$2,500 (the per unit fee is the same calculation used for a CUP).

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DATE: October 26, 2004

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Proposed Text

27.63.025 Appeal of Planning Commission Action.

(a) Any aggrieved person or council member or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.

(b) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.

(c) The City Council may, after public hearing, in conformity with the provisions of this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission appealed from. (Ord. 15239 §7; August 7, 1989).

27.80.025 Planned Unit Development.

The following filing fees shall be charged at the time of filing an application for a planned unit development:

(a) Filing Fee of \$500.00

(b) Unit Fee of \$25.00 per dwelling unit to a maximum unit fee of \$2,500.00.

~~(a) For the filing of a preliminary plan, \$500.00:~~

~~(b) For the filing of a final plan, \$500.00:~~

(Ord. 18229 §7; August 18, 2003: prior Ord. 17548 § 2; September 7, 1999: Ord. 15214 §2; July 10, 1989).